

## Appendix F: Petition for Security of Suit (Arrest of Property) and Determination

To the Higher Arbitrazh Court of  
The Republic of Buryatia  
[address]  
Judge S. L. Kazantsev

### PETITION

(on the imposition of arrest on property)

A case concerning the suit of OOO NPKF “F-Gima” against AOOT “Chelutails” concerning the exaction of 375,838,776 rubles is currently in proceedings before You, and is appointed for hearing on 1 December 1997.

Making recourse with this petition and exercising its procedural right, the plaintiff considers that there is a real threat of impossibility in the future of execution of the court act. The plaintiff associates this concern with the fact that the respondent is insolvent and openly announces its financial position. However, the plaintiff has information that the respondent has property that may be used to pay the amount of the suit. The actions of the plaintiff wholly arise from the Decree of the Plenum of the Higher Arbitrazh Court of the RF of 31 October 1996 “On the Application of the Arbitrazh [Procedure] Code of the RF in the consideration of cases in the court of the first instance.”

The plaintiff has the following property:

- a railway path of 10 kilometers
- spur lines on the railway lines
- working forest
- auto and tractor parks
- equipment for cutting sleepers

Taking into account the arguments set forth concerning the financial and property position of the respondent and being guided by Article 76 of the APC of the RF,

I REQUEST:

That the court accept this petition for proceedings and issue a determination on the imposition of arrest on the property of the respondent, specifically:

1. a railway path of 10 kilometers
2. spur lines on the railway lines
3. working forest
4. auto and tractor parks
5. equipment for cutting sleepers

Director	[signature]	G.I. Fedik
Counsel	[signature]	S.D. Karpenko

Arbitrazh Court of the Republic of Buryatia  
[address]

## DETERMINATION

On Security for a Suit

City of Ulan Ude

Case No. A10-186/12

22 June 1998

\_\_\_Judge Kovalev N.A. \_\_\_

Family name, initial [of judge]

Having considered the petition of OOO NPKF “F-Gima”  
Name of the petitioner

Concerning adoption of measures of security for the suit of OOO NPKF “F-Gima”  
Name of the plaintiff

Against AOOT “Chelutails”  
Name of the respondent

Concerning exaction of 375838796 rubles

Has established: The plaintiff requests that measures for the security of the suit be applied to the respondent in the form of the arrest of its property.

Taking into account the fact that the respondent is not executing voluntarily its obligations according to a settlement agreement which was confirmed by the determination of arbitrazh court of the Republic of Buryatia of 03/03/98, the court considers that the motion of the plaintiff is subject to satisfaction since the failure to take such measures may make difficult or impossible the execution of the determination of the court.

Being guided by Articles 75 and 76 of the Arbitrazh Procedure Code of the Russian Federation

HAS DETERMINED:

1. To satisfy the motion of OOO NPKF “F-Gima” and to impose arrest on the property of the respondent AOOT “Chelutails” on the sum of 375,838 rubles and 80 kopecks until the execution of the determination of the court, and to issue an execution order.
2. This determination may be appealed to the Arbitrazh Court for the Republic of Buryatia.

Judge [signature]

N.A. Kovaleva